

BEFORE THE BOARD OF MEDICAL EXAMINERS
STATE OF IOWA

IN THE MATTER OF THE COMPLAINT AND STATEMENT OF CHARGES
AGAINST

TOBIN E. JACKS, M.D., RESPONDENT

02-95-141

TERMINATION ORDER

NOW ON June 1, 2000 BE IT REMEMBERED:

1. That on August 10, 1995, an Order was issued by the Iowa Board of Medical Examiners placing the license to practice medicine and surgery, number 26026 issued to Tobin E. Jacks, MD (the Respondent) on May 19, 1987, on probation under certain terms and conditions; and,

2. That on March 15, 2000, the Respondent filed an application with the Board seeking termination of his probation, and:

3. That on June 1, 2000, the Board considered the Respondent's application and voted to authorize the termination of the probation placed upon his license to practice medicine and surgery:

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice medicine and surgery is terminated, and the license is returned to its full privileges free and clear of all restrictions.

Dale R. Holdiman MD
Dale R. Holdiman, M.D., Board Chairperson
IOWA BOARD OF MEDICAL EXAMINERS
400 SW 8th, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE LICENSURE DISCIPLINE OF

TOBIN E. JACKS, MD, LICENSEE

No. 02-95-141

STATEMENT OF CHARGES
&
INFORMAL SETTLEMENT
(combined)

COMES NOW the Iowa Board of Medical Examiners (the Board), and Tobin E. Jacks, MD (the Licensee), and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following Statement of Charges and Informal Settlement.

STATEMENT OF CHARGES

1. The Licensee was issued license number 26026 to practice medicine and surgery in Iowa on May 19, 1987. The license is valid and will next expire on March 1, ~~1987~~ 1997.
2. From early 1987 until early 1992 the Licensee was on a Board ordered probation due to chemical dependency.
3. In mid-1993, health care professionals working with the Licensee began to notice changes in the Licensee's behavior, his appearance, the way he responded to calls and his ability to handle medical problems. The health care professionals suspicioned that the Licensee had relapsed and again was suffering from chemical dependency. It was suggested to the Licensee that he seek professional assistance. Additionally, a monitoring program which included periodic urine testing was put into place through the hospital in which the Licensee practiced. The monitoring continued for approximately one year without incident. In early 1994 the monitoring was stopped. However suspicions of the Licensee's chemical dependency continued.
4. In late April 1995 the suspicions that the Licensee was suffering from chemical abuse or dependency by health care professionals working with the Licensee increased. Health care professionals, including a physician practice associate of the Licensee, noted that the Licensee "looked drugged" while in the hospital

during, and shortly after completing, rounds and performing a circumcision on an infant. The concerns about the Licensee's condition were reported to the hospital administration and the Board. Independent investigations were conducted by both the hospital and the Board.

5. At the request of the administration of the hospital the Licensee voluntarily underwent a chemical dependency evaluation at the McBride Center for the Professional at Wauwatosa, Wisconsin. The evaluation report, a copy of which was made available to the Board at the Licensee's authorization, reflected that the Licensee was in need of chemical dependency treatment in a residential treatment facility.

6. Subsequent to the evaluation the Licensee completed an inpatient chemical dependency treatment program. The Licensee currently continues with outpatient treatment.

7. The Board is authorized to impose discipline against the Licensee pursuant to provisions of Iowa Code sections 148.6(1), 148.6(2), and 148.6(2)*h* and 653 IAC 12.4, 12.4(3), 12.4(3)*c*, 12.4(4), 12.4(14), and 12.4(28) which state in whole or in part:

148.6(1) - The medical examiners, after due notice and hearing in accordance with chapter 17A, may issue an order to discipline a licensee for any of the grounds set forth in section 147.55, chapter 272C, or this subsection.

148.6(2) - Pursuant to this section, the Board of medical examiners may discipline a licensee who is guilty of any of the following acts or offenses:

148.6(2)*h* - Inability to practice medicine and surgery ... with reasonable skill and safety by reason of ... excessive use of ... chemicals ...

653-12.4 - Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 12.2, including civil penalties in an amount not to exceed \$10,000, when the board determines that the licensee is guilty of any of the following acts or offenses:

653-12.4(3) - ... [P]ractice harmful or detrimental to the public ...

653-12.4(3)*c* - Practice harmful or detrimental to the public includes, but is not limited to ... when a physician is unable to practice medicine with reasonable skill and safety to patients as a result of ... chemical abuse.

653-12.4(14) - Inability to practice medicine and surgery ... with reasonable skill and safety by reason of ... chemical abuse.

653-12.4(28) - Violating any of the grounds for revocation or suspension of a license listed in the Iowa Code sections ... 148.6.

INFORMAL SETTLEMENT

8. The Board has jurisdiction of the parties and subject matter herein.

9. The Licensee admits the allegations contained in the Statement of Charges.

10. Immediately upon the Board's approval of this Statement of Charges and Informal Settlement the Licensee's Iowa medical license shall be on probation for a period of five (5) years under the following terms and conditions:

a) The Licensee shall not consume alcohol.

b) The Licensee shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for the Licensee's use by another duly licensed treating physician or other qualified treating health care provider. The Licensee shall inform any treating physician or other treating health care provider of his history of chemical dependency.

c) The Licensee shall provide witnessed blood or urine specimens on demand by an agent of the Board. The specimens shall be used for alcohol and drug screening, all costs of which shall be paid by the Licensee.

d) The Licensee shall, within thirty (30) days of the date of the Board's approval of this Informal Settlement, submit to the Board the names and curriculum vitae of three physicians or counselors. The Board may approve one of the three to supervise the Licensee's continued chemical dependency treatment.

(1) As a condition of approval the physician or counselor shall agree to provide written quarterly reports to the Board concerning the Licensee's aftercare treatment progress. The physician or counselor shall also agree to file quarterly reports with the Board not later than January 20, April 20, July 20 and October 20 of each year of the Licensee's probation.

(2) The Licensee shall continue with chemical dependency treatment until discharged from treatment by the Board approved physician or counselor and until the Licensee's discharge from treatment is approved by the Board.

STATEMENT OF CHARGES AND INFORMAL SETTLEMENT (combined)
Tobin E. Jacks, MD
No. 02-95-141

e) The Licensee shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Informal Settlement. The reports shall be filed not later than January 10, April 10, July 10 and October 10 of each year of the Licensee's probation.

f) The Licensee shall attend at least two (2) meetings of Alcoholics Anonymous (AA), Narcotics Anonymous (NA) or a similar organization approved by the Board weekly. The Licensee shall append to each quarterly report referred to in subparagraph 10-e above, statements signed or initialed by another person in attendance at the meetings attesting to the Licensee's attendance. The statement shall include the time, date and location of the meetings attended.

g) The Licensee shall make appearances before the Board or a Board committee annually or upon request. The Licensee shall be given reasonable notice of the date, time and location for the appearances.

h) The Licensee shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

i) During the period of probation the Licensee shall be ineligible to supervise physician assistants.

11. In the event the Licensee leaves Iowa to reside or to practice outside the state, the Licensee shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of this Informal Settlement. However, evidence that the Licensee has failed to abide by the terms of subparagraphs 10-a or 10-b of this Informal Settlement while outside the state shall constitute a violation of this Informal Settlement.

12. In the event the Licensee violates or fails to comply with any of the terms or conditions of this Informal Settlement, the Board may initiate action to revoke or suspend the Licensee's Iowa medical license or to impose other licensee discipline as authorized in Iowa Code chapters 272C and 148 and 653 IAC 12.2.

13. Upon full compliance with the terms and conditions of this Informal Settlement and upon expiration of the period of probation, the Licensee's Iowa medical license shall be restored to its full privileges free and clear of the terms of probation.

STATEMENT OF CHARGES AND INFORMAL SETTLEMENT (combined)
Tobin E. Jacks, MD
No. 02-95-141

14. This Statement of Charges and Informal Settlement is subject to approval of the Board. If the Board fails to approve this Statement of Charges and Informal Settlement, it shall be of no force or effect to either party.

15. The Board's approval of this Statement of Charges and Informal Settlement shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

This Statement of Charges and Informal Settlement is voluntarily submitted by the Licensee to the Board for consideration.




Tobin E. Jacks, MD, Licensee

Subscribed and sworn to before me on August 12, 1995.


Notary Public, State of Iowa



This Statement of Charges and Informal Settlement is approved by the Board on August 10, 1995.


James D. Collins, Jr., MD, Chairperson
Iowa Board of Medical Examiners

DMC/* 08-07-95

a7.Jacks.SIS